

NHDES Wetlands Program Rulemaking & Process Improvement Effort
2014 Spring Listening Session – Lake Management Advisory Committee & Public
March 31, 2014

Comments from Participants

- Appendix B is confusing (as is the interplay with Army Corp review) - could the requirement to do Appx B be variable depending on the project size or potential impacts? EPA potential involvement is a complicating factor - is there a way to know when EPA will intervene on a project?
- As conservation commission member, have seen situations where the wetland scientist's recommendations support the landowners interests & desired use of the property rather than truly avoiding and minimizing impacts as much as possible; what can be done to better ensure maximum avoidance & minimization of impacts?
- Assuming that NHDES has been delegated the authority from EPA to develop, implement, and enforce a wetlands program in NH, has this current process improvement effort included, or will it include, an assessment and justification (in a transparent manner) of areas in the program where Federal requirements are exceeded? The NH requirements should be no more restrictive or onerous (or even expensive) than what otherwise would be required by Federal requirements.
- Can you improve early communication with municipalities & boards - to avoid situation where locals get informed about a project long after a permit application is submitted
- Can't register docks with registry of deeds without a written response - need something
- Concerned about a "pre-qualification" process for every project - what if an applicant or developer has a lot of experience or approval needs to be secured quickly? Concerned that need for pre-qual step will require additional meeting(s) and time delay
- Concerned about intersection with Army Corps of Engineers permitting process
- Consider a statewide minimum buffer
- Could there be a true "permit-by-rule" - with just a very basic notice
- Could towns be better informed about wetlands requirements so they give out good information to homeowners and applicants (e.g., such as when someone applies for a building permit they are given a guide or handout directing them to the website to determine what state approvals may be needed)

- Lack confidence that a homeowner will not miss important information (e.g., accurately complete a checklist and abide by requirements under notification or permit-by-rule) without input from a wetland scientist (esp for shoreline/shoreland issues)
- NHB process is "terrible" in that it can take 2 weeks for response (not usual - but need a faster process for notification-level projects), website is not working well, does not take credit cards. Could NHB review be incorporated into the wetlands review process (versus by the applicant)?
- PBN process is too onerous - same requirements as standard dredge and fill. Consider Maine's notification approach - just send in basic notice and proceed.
- Recent study in Sunapee area found 15-40+% culverts undersized looking toward future predicted storms - can the process to install a slightly larger culvert be made easier to facilitate adaptation (note: was not aware of certified culvert maintainer program)
- There have been good improvements over the past 10 years to application forms and process & good people to work with.
- There should be a committee (or multiple committees) to provide direct input in writing the rules
- Wetlands rules should account for MS4 requirements (address nonpoint source pollution issues)
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